

**Federal Defenders
OF NEW YORK, INC.**

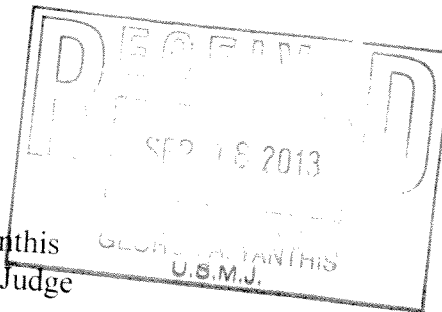
Southern District
300 Quarropas Street, Room 260
White Plains, N.Y. 10601-4150
Tel: (914) 428-7124 Fax: (914) 997-6872

David E. Patton
*Executive Director
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Susanne Brody
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White Plains*

September 18, 2013

Honorable George A. Yanthis
United States Magistrate Judge
300 Quarropas Street
White Plains, New York 10601



SEP 18 2013

**Re: *United States v. Stephen Cannella*
13cr0641-CS**

Dear Judge Yanthis:

I write on behalf of my client, Stephen Cannella, to respectfully request that the Court modify the conditions of release imposed on December 21, 2012. At that time, the Court ordered, among other conditions, release on a \$50,000 personal recognizance bond secured by the signatures of both his parents, with electronic monitoring ("EM"), curfew and home detention. Section 3142(c)(1)(B) at Title 18 made EM, curfew and location restriction programs mandatory because the complaint alleged two violations of law, including a violation of 18 U.S.C. § 2252A(a)(2)(B), receipt/distribution of child pornography.

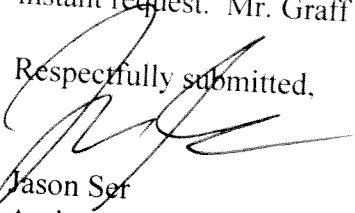
On August 21, 2013, Mr. Cannella appeared before your Court and entered a plea of guilty to a one-count information alleging a violation only of 18 U.S.C. § 2252A(a)(5)(B), possession of child pornography. Notably, a violation of § 2252A(a)(5)(B) does not trigger the mandatory conditions of EM, curfew and location restriction programs. See 18 U.S.C. § 3142(c)(1)(B) (listing offenses and not identifying § 2252A(a)(5)(B)). Accordingly, Mr. Cannella seeks to modify conditions of his pretrial release to eliminate these three conditions.

To date, Mr. Cannella has remained in compliance with conditions, and made all necessary appearances before the Court and appeared at all scheduled appointments with pretrial services. He is actively seeking employment, and continues to reside at his father's residence in White Plains.

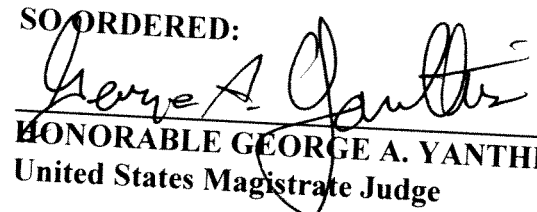
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I have spoken about the instant request to modify conditions with Pretrial Services Officer Leo Barrios, who supervises Mr. Cannella. Mr. Barrios informed undersigned counsel that he supports the instant request. I also spoke with Assistant United States Attorney Ilan Graff regarding the instant request. Mr. Graff takes no position. Thank you for your consideration of this matter.

Respectfully submitted,


Jason Ser
Assistant Federal Defender

SO ORDERED:

 9/18/13
HONORABLE GEORGE A. YANTIS
United States Magistrate Judge

CC: Ilan Graff, A.U.S.A, Mr. Stephen Cannella